

## REMARKS

### Status of the Claims

Claims 2-8 and 11-16 are now present in this application. Claims 2, 3, 6-8, and 11-13 are independent.

Claim 3 has been amended. Reconsideration of this application, as amended, is respectfully requested.

### Rejections under 35 U.S.C. § 103

#### Claims 3 and 14-16:

Claims 3, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Green, Jr. (US 5,926,133; hereafter “Green”) in view of Ishigaki (US 4,953,178). Further, claim 14 stands rejected under § 103(a) as being unpatentable over Green in view of Ishigaki, and further in view of van Heeswyk et al. (US 6,298,050) and Levin et al. (US 5,654,979). These rejections are respectfully traversed.

Initially, Applicants respectfully point out that claim 16 depends from independent claim 6 and, thus, incorporates all of the elements of claim 6. Further, since claim 6 is not included in this rejection, the Examiner implicitly acknowledges that the combination of Green and Ishigaki do not disclose or make obvious the combination of elements in claim 6. Thus, Applicants submit Green and Ishigaki must similarly be deficient with regard to claim 16.

As to independent claim 3, while not conceding the appropriateness of the Examiner’s rejection, but merely to advance prosecution of the instant application, Applicants respectfully point out that independent claim 3 has been amended to recite that

“the mobile station side transmission part includes a special code generation part to generate a special code of a direct-current component, and a spread modulation part to perform spread modulation of an information signal by *selectively using the special code generated by the special code generation part or a spreading code having a low correlation with a direct-current component depending on whether or not the special radio wave signal is to be generated*” (emphasis added).

Applicants respectfully submit that this combination of elements as set forth in independent claim 3 is not disclosed or made obvious by the prior art of record, including Green and Ishigaki.

Particularly, neither Green nor Ishigaki teaches or suggests selecting between a special code of a direct-current component, and a spreading code having a low correlation component, for use in performing spread modulation of an information signal as presently claimed. Further, neither Green nor Ishigaki teaches or suggests selecting between different codes for use in performing spread modulation based on whether or not a special radio wave signal is to be generated, i.e., whether or not a special call is to be initiated, as claimed.

Applicants respectfully submit that the combination of elements as set forth in independent claim 3 is not disclosed or made obvious by Green or Ishigaki for the reasons explained above. Accordingly, Applicants submit that claim 3 is in condition for allowance, and claims 15 and 16 are allowable at least by virtue of their dependence from claim 3. Reconsideration and withdrawal of the rejection of claims 3, 15, and 16 are respectfully requested.

Further, it is respectfully submitted that neither van Heeswyk nor Levin cures the aforementioned deficiencies of Green and Ishigaki with respect to independent claim 3. Therefore, claim 14 is allowable at least by virtue of its dependence from claim 3. Therefore, reconsideration and withdrawal of the rejection of claim 14 is respectfully requested.

Claims 6, 7, 12:

Claims 6, 7, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keskitalo et al. (US 5,930,684) in view of Green and McCorkle et al. (US 2003/0161411). This rejection is respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Applicants respectfully submit that independent claim 7 recites a combination of elements in a communication control method including:

requesting initiation of a special call; and

in response to the request from the special call part, *switching* from a mode of generating a normal spread modulation signal for the direct sequence system to a mode of generating a special radio wave signal of **higher power spectrum density** than the normal spread modulation signal, and transmit the special radio wave signal to the base station, wherein

the special radio wave signal is generated of *same power* as power used in generating the normal spread modulation signal for the direct sequence system, and of a *narrower band* than a band used in generating the normal spread modulation signal for the direct sequence system

(emphasis added).

Independent claims 6 and 12 recite similar features. Applicants respectfully submit that the combination of elements as set forth in independent claims 6, 7, and 12 is not disclosed or made obvious by Keskitalo, Green, and McCorkle when considered separately or in obvious combination.

For instance, independent claims 6, 7, and 12 require a mobile station to, when appropriate, *switch* from a mode of generating a normal spread modulation signal to a mode of generating a special radio wave signal of *higher power spectrum density* than the normal spread modulation signal. According to the claims, the higher power spectrum density is achieved by generating the special radio wave signal of *same power*, but of a *narrower band*, as the normal spread modulation signal. None of Keskitalo, Green, and McCorkle teaches or even suggests these features.

Keskitalo, the primary reference in this rejection, actually *teaches away* from switching between a normal spread modulation signal and a special radio wave signal, which is generated of *same power* as the normal spread modulation signal. In the Office Action, the Examiner admits that Keskitalo teaches that a "base station transmits power control information messages to the terminals, which may *adjust their transmit power* on the basis of the power control information messages from the base station, [such that] calls with higher priority use a *higher transmit power* than is allowed for calls with lower priority" (Office Action at page 5, citing to col. 17-24 of Keskitalo). Since Keskitalo expressly teaches that the terminals are instructed to generate the higher priority calls of *higher power* than lower priority calls, Keskitalo directly *teaches away* from switching to a mode of generating a special radio wave signal of the *same power* as the normal signal.

As to Green, this reference discloses a system for determining the location of a mobile device (i.e., rover 16) which has placed an emergency call request (abstract; col. 5, lines 9-20). In order to minimize the errors in location determination which are caused by multipath

propagation, Green discloses that transponders 12 can be placed at predetermined positions for transmitting high power signals to the base station 14 for use in calculating a correction vector representative of the multipath distortion (abstract; col. 7, lines 55-67). As an alternative technique, Green teaches that multipath distortion can be overcome by modifying the mobile device so that it always transmits emergency call requests at a *higher power level*. See col. 6, lines 61-64. However, there is no teaching or suggestion in Green of the mobile device which switches to a mode of generating a special radio wave signal of the same power the normal signal, but higher power spectral density.

As to McCorkle, the Examiner asserts that

“McCorkie [sic] discloses a narrower band than a band used in generating the normal spread modulation signal for the direct sequence system (paragraph 0210, fig 10, i.e. narrower band used for TV and other communication, versus spread spectrum and ultra wide band)” (Office Action at page 5, with original emphasis).

However, while paragraph 0210 of McCorkle refers to a frequency versus energy plot (Fig. 10) in order to compare the spectral bandwidths and spectral densities of various types of signals, this section of McCorkle does not teach or suggest *switching* between these types signals. Instead, McCorkle’s invention is designed to only utilize *one* type of signal in Fig. 10 -- the ultra wide bandwidth (UWB) signal (see abstract; also, see 4<sup>th</sup> sentence of [0210]). Therefore, there is no teaching or suggestion in McCorkle of the claimed feature of switching from a mode of generating a normal spread modulation signal to a mode of generating a higher power spectrum density signal by using the same power but a narrower band.

Applicants respectfully submit that the combination of elements as set forth in independent claims 6, 7, and 12 is not disclosed or made obvious by Keskitalo, Green, and McCorkle, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim 11:

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Keskitalo in view of Green, McCorkle and Raith et al. (US 6,826,394). This rejection is respectfully traversed.

Applicants respectfully submit that independent claim 11 recites a communication system including

[a] plurality of mobile stations, each including

a special call part configured to request initiation of a special call, and

a mobile station side transmission part configured to, in response to a request from the special call part, switch from a mode of generating a normal spread modulation signal for the direct sequence system to a mode of generating a special radio wave signal of *higher power spectrum density* than the normal spread modulation signal, and transmit the special radio wave signal to the base station, wherein the mobile station side transmission part generates the special radio wave signal of *same power* as power used in generating the normal spread modulation signal for the direct sequence system, and of a *narrower band* than a band used in generating the normal spread modulation signal for the direct sequence system

(emphasis added).

As such, claim 11 requires a mobile station to, when appropriate, *switch* from a mode of generating a normal spread modulation signal to a mode of generating a special radio wave signal of *higher power spectrum density* than the normal spread modulation signal. According to claim 11, the higher power spectrum density is achieved by generating the special radio wave signal of *same power*, but of a *narrower band*, as the normal spread modulation signal.

This claim feature is neither taught nor suggested by Keskitalo, Green, and McCorkle, for reasons discussed above in connection with claims 6, 7, and 12. Raith fails to cure such deficiency. Raith is merely cited by the Examiner for an alleged disclosure of “a base station side transmission part configured to transmit an assignment signal for assigning a channel to a mobile station which had transmitted the special radio wave signal detected by the detection part” (see Office Action at page 7). Thus, it is respectfully submitted that Raith fails to teach or suggest the aforementioned claim feature which is missing from Keskitalo, Green, and McCorkle.

Accordingly, Applicants respectfully submit that the combination of elements as set forth in independent claim 11 is not disclosed or made obvious by Keskitalo, Green, McCorkle, and Raith. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 8 and 13:

Claims 8 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keskitalo in view of Raith. These rejections are respectfully traversed.

Applicants respectfully submit that independent claim 13 recites a combination of elements in a base station including

receiving a normal spread modulation signal used in the direct sequence system and a special radio wave signal of high power spectrum density from the plurality of mobile stations, the special radio wave signal being generated of *same power* as power used in generating the normal spread modulation signal for the direct sequence system, and of a *narrower band* than a band used in generating the normal spread modulation signal for the direct sequence system;

*detecting* whether the special radio wave signal was received, and *switching* modes of extracting information in response to the detection; and

transmitting an assignment signal for assigning a channel to a mobile station which had transmitted the special radio wave signal detected by the detection part

(emphasis added).

Claim 8 recites similar elements. The combination of elements as set forth in independent claims 8 and 13 is not disclosed or made obvious by Keskitalo and Raith when considered separately or in obvious combination.

For reasons discussed above in connection with claims 6, 7, and 12, Keskitalo does not teach or suggest a mobile station that is capable of switching from a mode of generating a normal spread modulation signal, to a mode of generating a special radio wave signal of the *same power* but *narrower band* than the normal spread modulation signal. Instead, Keskitalo merely discloses a mobile terminal that *increases transmit power* for higher priority calls (see abstract). Thus, Keskitalo's base station is incapable of receiving two different types of signals of *same power*, but one of a *narrower band*, as claimed. As such, the base station in Keskitalo is *not*

operable to detect when the signal of narrower band is received, and switch modes accordingly, as claimed.

Further, Raith does not cure the aforementioned deficiencies in Keskitalo. Particularly, Raith is merely cited by the Examiner for its alleged disclosure of a base station side transmission part that transmits an assignment signal for assigning a channel to a mobile station which had transmitted the special radio wave signal (see Office Action at page 7).

Applicants respectfully submit that the combination of elements as set forth in independent claims 8 and 13 is not disclosed or made obvious by Keskitalo and Raith, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Allowable Subject Matter**

Applicants acknowledge with thanks that the Examiner has allowed claims 2, 4, and 5.

**Conclusion**

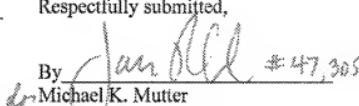
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Registration No. 47305) at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By  #47,305

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